

FACT SHEET

Australian Consumer Law (Tasmania) Bill 2010

On 11 December 2006, the Productivity Commission commenced an inquiry into Australia's consumer policy framework. The Commission was asked to report on:

- ways to improve the coordination of consumer policy development; and
- the 'harmonisation' of consumer laws and their administration across jurisdictions; and the removal of regulatory duplication and inconsistency.

The Productivity Commission presented its final report in April 2008 and recommended the introduction of a single national generic consumer law.

On 2 October 2008, the Council of Australian Governments (COAG) agreed to a new consumer policy framework comprising a single national consumer law based on the *Trade Practices Act 1974* and best practice in state and territory consumer laws.

The Commonwealth Parliament has passed two Acts that establish the Australian Consumer Law:

(a) the *Trade Practices Amendment (Australian Consumer Law) Act (No.1) 2010*, which received Royal Assent on 14 April 2010 and delivers key elements of the Australian Consumer Law including provisions to regulate unfair contract terms, new enforcement powers and consumer redress options; and

(b) the *Trade Practices Amendment (Australian Consumer Law) Act (No.2) 2010*, which received Royal Assent on 13 July 2010. This Act renames the Trade Practices Act as the *Competition and Consumer Act 2010* and establishes the bulk of the Australian Consumer Law, which includes product safety, best practice reforms and the existing consumer protection provisions of the Trade Practices Act.

The *Australian Consumer Law (Tasmania) Bill 2010* applies the Australian Consumer Law (ACL), comprising Schedule 2 of the *Competition and Consumer Act 2010* of the Commonwealth, as a law of Tasmania.

Under the *National Partnership Agreement* to deliver a Seamless National Economy, all jurisdictions have agreed to commence the ACL no later than 1 January 2011.

Implementation of the ACL will deliver enhanced consumer protections for Tasmanian consumers. The ACL provides:

- national consumer protection and fair trading laws;
- enhanced enforcement powers and redress mechanisms;
- a national unfair contract terms law (covering standard form contracts);
- a new national product safety regime; and
- a new national law guaranteeing consumer rights when buying goods and services, which replaces existing laws on conditions and warranties.

Passage of the Bill will allow Tasmania to meet its COAG commitments to implement the Australian Consumer Law.